

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S) : Boyd, Robert R. et al.  
TITLE : ARTICULATED ELEMENTS AND  
METHODS FOR USE  
APPLICATION NO. : 10/538,459  
FILED : December 12, 2007  
CONFIRMATION NO. : 3869  
EXAMINER : Melanie Ruano Tyson  
ART UNIT : 3773  
LAST OFFICE ACTION : August 25, 2010  
ATTORNEY DOCKET NO. : 22198(2)US/BATZ 200013US01

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application may have become abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION.**

A grantable petition requires the following items:

**1. Petition fee - \$1620.00**

Payment for the filing of this Petition is authorized to be charged to a Credit Card via EFS Web. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

**2. Reply**

The reply to the above-noted Office Action in the form of an Amendment is enclosed herewith. Please note that this Amendment was previously filed on December 23, 2010. Unfortunately, a one-month extension of time fee was not paid at that time.

**3. Terminal disclaimer with disclaimer fee**

Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

**4. STATEMENT**

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. Applicants filed an Amendment on December 23, 2010, and inadvertently did not pay the one-month extension of time fee. A Notice stating that the extension of time fee was needed was mailed on March 8, 2011. No Notice of Abandonment has been issued. However, as abandonment occurs by statute, this Petition is being filed out of an abundance of caution to ensure that this application is still pending.

Respectfully submitted,

Fay Sharpe LLP

March 10, 2011  
Date

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CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input checked="checked" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: <u>Lynda S. Kalemba</u>
Date: March 10, 2011	Name: Lynda S. Kalemba

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